



No. ~~246~~ 68

**In the Supreme Court of the United States**

**OCTOBER TERM, 1959**

**LOCAL 60, UNITED BROTHERHOOD OF CARPENTERS, ET AL.,  
PETITIONERS,**

**v.**

**NATIONAL LABOR RELATIONS BOARD**

**ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED  
STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT**

**MEMORANDUM FOR THE NATIONAL LABOR RELATIONS BOARD**

**STUART ROTHMAN,**  
*General Counsel,*

**DOMINICK L. MANOLI,**  
*Associate General Counsel,*

**NORTON J. COME,**  
*Assistant General Counsel,  
National Labor Relations Board,  
Washington 25, D.C.*

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# In the Supreme Court of the United States

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PETITIONERS,

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## MEMORANDUM FOR THE NATIONAL LABOR RELATIONS BOARD

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The question presented is whether the Board, as a remedy for a hiring arrangement which unlawfully conditions employment upon union membership, may require that dues and other fees paid by the employees to the union under such arrangement be refunded to them. This remedy, known as the *Brown-Olds* remedy,<sup>1</sup> has been extensively used by the Board with respect to unfair labor practices of this type. The decision of the court below, sustaining such remedy, is in conflict with that of other Circuits, including the decision of the Court of Appeals for the District of

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<sup>1</sup> It was first enunciated in *United Association, etc., and J.S. Brown-E. F. Olds Plumbing and Heating Corp.*, 115 NLRB 594 (1956).

Columbia Circuit in *Local 357, International Brotherhood of Teamsters v. National Labor Relations Board*.

In view of the importance of the question, the conflict of decisions, and the fact that the Board intends to file a petition to review the contrary decision in *Local 357*, the Board does not oppose the grant of the instant petition.

Respectfully submitted.

STUART ROTHMAN,  
*General Counsel,*  
DOMINICK L. MANOLI,  
*Associate General Counsel,*  
NORTON J. COME,  
*Assistant General Counsel,*  
*National Labor Relations Board.*

I authorize the filing of this memorandum.

J. LEE RANKIN,  
*Solicitor General.*

MAY 1960.

